

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23872 OF 2005

08.11.2005

Between:

Smt. Varala Radha, W/o.late Varala Malla Reddy

... Petitioner

AND

1. The Superintending Engineer, Panchayat Raj, Mahabubnagar

and others

... Respondents

ORDER:

The petitioner is wife of late Varala Malla Reddy. He was awarded the contract for the work of providing BT road from Amrabad to Laxmapur (BK) at an estimated cost of Rs.81.50 lakhs. The work was completed within the stipulated time but the amounts were not released. Malla Reddy died on 07.12.2004 leaving behind the petitioner, his son and daughter. The petitioner made representation on 30.9.2005 for release of the balance amount of Rs.50.00 lakhs, in vain. Therefore, the present writ petition is filed praying for a direction to the respondents to settle and release the entire outstanding amount to the petitioner.

The petitioner herein initially filed W.P.No.21609 of 2005 for a similar relief. This Court by order dated 14.10.2005 dismissed the said writ petition observing as under.

The learned counsel for the petitioner does not seriously dispute the legal position that ordinarily Writ Petition for payment of money is not maintainable. Therefore, he only prayed to give a direction to respondents to consider the representation of the petitioner dt.30.9.2005 and pass appropriate orders. As the petitioner approached the respondents only a couple of days ago, this Court is not inclined to give the direction as sought for. It shall, however, be open to the respondents to consider the representation of the petitioner dt.30.9.2005 in accordance with the terms of the contract.

Again, this writ petition is filed by the same learned Counsel for the same relief. If the petitioner is aggrieved by the order passed by this Court earlier, the remedy lies in filing writ appeal and this writ petition is misconceived.

The writ petition is, therefore, dismissed. No costs.

November 08, 2005. (V.V.S.RAO,J)

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